

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

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MARIA STOCKING,

MEMO ENDORSED

22 CV 07347 (ER)

Plaintiff,

-against-

NEWMARK KNIGHT FRANK

VALUATION & ADVISORY, LLC,

Defendants.

Newmark is directed to respond by
December 6, 2024.

SO ORDERED.



Edgardo Ramos, U.S.D.J.

Dated: November 22, 2024

New York, New York

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PLAINTIFF'S MOTION FOR ISSUANCE OF SUBPOENA FOR DEPOSITION UPON WRITTEN QUESTIONS, PROTECTIVE ORDER, AND TO STRIKE DEFENDANT'S IMPROPER FILING

INTRODUCTION

Plaintiff Maria Stocking, pro se, respectfully moves this Court for the issuance of a subpoena for a deposition upon written questions to Jane Doe, as well as a protective order to safeguard her anonymity and well-being. Additionally, Plaintiff requests that the Court strike the Defendant's filing dated November 8, 2024 Doc. 121, which improperly disclosed Jane Doe's name. This disclosure violates the principles of confidentiality underlying the pending protective order, risks harm to the witness and undermines the integrity of the judicial process.

BACKGROUND

1. On November, Plaintiff filed a Motion for Issuance of Subpoena for Deposition Upon Written Questions and a Protective Order Doc.118, requesting that the Court protect the anonymity of Jane Doe and facilitate the preservation of her testimony.
2. On November 5, 2024, this Court issued a Memo Endorsement directing Defendant Newmark to file any opposition by November 8, 2024.
3. Despite the pending motion and Plaintiff's explicit request for anonymity, Defendant disclosed Jane Doe's real name in a filing submitted on November 8, 2024, Doc.121 pages 2-3.
4. This disclosure undermines the purpose of the requested protective measures, creates a chilling effect on Jane Doe's willingness to testify, and represents bad-faith conduct aimed at intimidating the witness.

LEGAL BASIS

This motion is grounded in the following rules and principles:

1. **Federal Rule of Civil Procedure 45:** Authorizing the issuance of subpoenas.
2. **Federal Rule of Civil Procedure 31:** Permitting depositions upon written questions.
3. **Federal Rule of Civil Procedure 26(c):** Allowing protective orders to safeguard individuals from annoyance, embarrassment, oppression, or undue burden or expense.

REQUEST FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that the Court:

1. Grant this motion for the issuance of a subpoena to Jane Doe for a deposition upon written questions.
2. Grant a protective order to safeguard the witness's privacy and well-being.
3. Strike the Defendant's filing dated November 8, 2024 Doc. 121, which improperly disclosed Jane Doe's name, from the record.
4. Direct Defendant to file an amended version of their filing with all references to Jane Doe's identity redacted.
5. Grant any additional relief the Court deems just and proper.

CONCLUSION

The improper disclosure of Jane Doe's identity by the Defendant has jeopardized the principles of confidentiality in this matter and risks emotional distress and professional retaliation to the witness. Plaintiff respectfully requests that the Court issue the necessary subpoena, grant the protective order, and strike the offending filing to ensure the fair administration of justice and prevent further harm.

Dated: November 21, 2024

/s/Maria Stocking

Miami, Florida

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Plaintiff